

Article - Natural Resources

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§3–109.

(a) (1) Upon failure of a municipality to comply with an order of the Secretary of the Environment to provide a sewerage system or refuse disposal works as provided for in Title 9 of the Environment Article, the Secretary of the Environment shall direct the Service to install or put into operation sewerage or refuse disposal facilities to satisfy the requirements of the order.

(2) Except as provided in subsection (e) of this section, upon receipt of the directive from the Secretary of the Environment, the Service shall proceed to install and put into operation sewerage or refuse disposal projects to comply with the directive. Every cost the Service incurs to construct and operate the projects shall be charged to the municipality against which the order is issued.

(3) Funds to pay the Service for construction and operation of projects may be raised under Title 9 of the Environment Article.

(4) Upon terms satisfactory to the Service and the municipality, the Service may enter into an agreement with the municipality to continue to operate the sewerage system or refuse disposal works installed by the Service under the provisions of this subsection. In this event, the municipality shall enter into a contract with the Service for the establishment of a service district as provided in § 3–107(e) of this subtitle.

(b) (1) Upon failure of a person to comply with an order of the Secretary of the Environment to abate pollution as provided for in Title 9 of the Environment Article, the Secretary of the Environment shall direct the Service to provide projects necessary to abate the pollution.

(2) Except as provided in subsection (e) of this section, upon receipt of the directive from the Secretary of the Environment, the Service shall provide the projects necessary to abate the pollution and the person shall discharge or deliver his wastes only to a service project or avail himself of the projects provided by the Service to abate the pollution. The cost of projects provided by the Service to abate pollution under the terms of this subsection shall be borne by the person against whom the order to the Secretary of the Environment was issued. The person and the Service shall determine by agreement the costs, rental, charges, or other fees to be paid by the person to the Service. If the fees and charges remain unpaid for a period of 60 days, the unpaid bills become a lien against the property served, if it is recorded and

indexed as provided in this subtitle, and shall be referred to the Attorney General for collection.

(3) All projects provided by the Service under this subsection remain under the control and operation of the Service. It is unlawful for a person provided with projects by the Service under this subsection to duplicate or use any other project serving the same purpose.

(c) (1) Upon the failure of a municipality or person to comply with an order of the Secretary of the Environment to correct deficiencies on the operation of sewerage systems or refuse disposal works as provided in Title 9 of the Environment Article, the Secretary of the Environment shall direct the Service to take charge of and operate the systems or works to secure the results demanded by the Secretary of the Environment.

(2) Except as provided in subsection (e) of this section, upon the receipt of the directive from the Secretary of the Environment, the Service immediately shall take charge of and operate the systems or works to secure the results set forth in the directive of the Secretary of the Environment. All costs for maintenance, operation, and other services including legal fees incidental to taking possession of the sewerage system or refuse disposal works shall be charged to the municipality or person against which or whom the original order of the Secretary of the Environment was served.

(3) Funds to pay the Service for services rendered under this subsection shall be raised in the case of a municipality under Title 9 of the Environment Article. If the order is issued against a person, the Service shall bill the person for the full cost of services rendered. If payment is not made within 60 days, the costs become a lien against the sewerage system or refuse disposal works if it is recorded and indexed as provided in this subtitle, and the Director shall refer the matter to the Attorney General for collection.

(d) (1) Upon failure of a municipality or person to comply with an order of the Secretary of the Environment to extend or alter a sewerage system or refuse disposal works as provided in Title 9 of the Environment Article, the Secretary of the Environment shall direct the Service to make alterations or extensions to the systems or works, or install a new system or works as the Secretary of the Environment deems necessary to correct the improper conditions.

(2) Except as provided in subsection (e) of this section, upon receipt of the directive from the Secretary of the Environment, the Service shall assume jurisdiction over the systems or works and make the alterations, extensions, or new construction required to comply with the directive of the Secretary of the Environment. All costs, including legal fees incidental to assuming jurisdiction over

the system or works, shall be charged to the municipality or person against which or whom the order of the Secretary of the Environment was issued.

(3) Funds to pay the Service for costs incurred as a result of actions taken under this subsection may be raised as provided in Title 9 of the Environment Article. If the order was against a person, the Service shall charge the person with the cost of making the necessary improvements to comply with the directive of the Secretary of the Environment. If the person fails to pay within 60 days, the cost becomes a lien against the property served if it is recorded and indexed as provided in this subtitle, and the matter shall be referred to the Attorney General for collection.

(e) (1) In the event the Service determines, at any time, that it will be unable to recoup all or a portion of its costs from the municipality or persons subject to the order of the Secretary of the Environment, the Service shall provide to the Secretary a full accounting of all costs incurred or anticipated to be incurred by it in complying with the Secretary's directive.

(2) Within 30 days of receipt of the accounting, the Secretary may request that the Service provide additional information.

(3) Within 90 days of receipt of the accounting or, when applicable, the additional information, the State shall pay to the Service the full amount of the Service's costs that are not paid or reasonably expected to be paid by the municipality or persons.

(4) (i) The State's payment of any amount to the Service does not preclude the State from seeking or obtaining reimbursement from the municipality or persons subject to the order of the Secretary.

(ii) The Service shall cooperate fully with the Secretary in seeking reimbursement from the municipality or persons.

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